

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

)
IN RE JOHNSON & JOHNSON)
TALCUM POWDER PRODUCTS) MDL NO. 16-2738 (MAS)(RLS)
MARKETING SALES PRACTICES,)
AND PRODUCTS LIABILITY)
LITIGATION)
_____)

DEPOSITION OF REBECCA SMITH-BINDMAN, M.D.

San Francisco, California

Wednesday, March 20, 2024

Volume I

Reported by:

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1 (Discussion Off the Record.)

2 MR. HEGARTY: Okay. We can go back on the
3 record.

4 Q When we took a short break, Doctor, I was
5 asking you about the Cook 1997 paper, and we both had an
6 opportunity to pull that up.

7 And are you looking at it now?

8 A I am.

9 Q And in particular, Table 3 provides use of
10 talcum powder between 5,001 and 10,000 uses for lifetime
11 days, correct?

12 A Yes.

13 Q And from that -- go ahead.

14 A I'm sorry. It says "lifetime days."

15 When you asked your question earlier about if
16 a person had used it five times a day, in this case, it
17 would count once for each day the way they extracted. I
18 never thought about that -- or hadn't thought about the
19 issue in ages, but --

20 Q Okay. Thank --

21 A -- so this would take that away.

22 Q But with regard to Table 3, you used the
23 number of greater than 10,000, correct?

24 A Yes.

25 Q Cook also provides from 5,001 to 10,000 uses,

1 correct?

2 A Yes.

3 Q You did not use that data, correct?

4 A Did not.

5 Q Why did you not use that data?

6 A As we laid out in the "METHODS," we took the
7 highest frequency use, and so 10,000 is the highest
8 frequency use.

9 Q So even though you might have had data that
10 was greater than two times per week, you still took the
11 highest data that was available, correct?

12 A Yes.

13 Q Why did you do that? Let me ask it a
14 different way.

15 If you had additional data that would then
16 have satisfied what you were reporting on in this paper,
17 why did you not include it too?

18 A There are several reasons. First, we were
19 trying to get at -- I think we say in the paper
20 approximate daily use. So that would be the highest
21 number. So if someone -- if there was a material
22 difference between women who reported twice a week, four
23 times a week or seven times a week, we were trying to
24 get at seven times a week, the highest use. So that's
25 the first.

1 Q Did you have all the Nurses' Health Study data
2 that included women with and without intact tubes?

3 MS. O'DELL: Object to the form.

4 THE WITNESS: We did have results on all
5 women.

6 BY MR. HEGARTY:

7 Q Could you have included all women in this
8 analysis?

9 A Yes, we could have.

10 Q Did you do that and -- and see if it made a
11 difference?

12 A At the time of doing the study, we had not
13 done that, but I saw that that was raised by you guys,
14 and when I saw that, I thought that was a valid point to
15 evaluate, and at that point I did reach out, I think, in
16 December to ask the biostatistician to do a sensitivity
17 analysis to evaluate the impact had we made that other
18 decision.

19 Q Who is the biostatistician you reached out to?

20 A The same. Lazar.

21 Q Has that sensitivity analysis been done?

22 A Yes.

23 Q Do you have documentation of that sensitivity
24 analysis?

25 A Yes.

1 estimates of 1.28 to 1.35 with any use, and then Woolen
2 shows multiple, and the point estimate is higher, 1.47.
3 I think that shows strong evidence of dose response even
4 though within the paper itself it didn't evaluate the
5 dose response.

6 MR. HEGARTY: The next paper I want to mark as
7 an exhibit is a paper you referenced that you had read
8 earlier or that your counsel had referenced that you
9 read earlier, a 2024 paper by Chang. This is going to
10 be marked as an exhibit.

11 MS. O'DELL: Make sure it's in your binder.

12 THE WITNESS: Is that the one?

13 MS. O'DELL: It could be. I'm not sure.

14 MR. HEGARTY: That is Exhibit, what, 13?

15 MS. FLAGEOLLET: Yeah.

16 (Exhibit 13 was marked for identification by
17 the court reporter.)

18 BY MR. HEGARTY:

19 Q Do you have any comments with respect to this
20 paper that you would add to your November 2023 report?

21 MS. O'DELL: Object to the form in the sense
22 that she didn't comment on it in her November 2023
23 report. So you -- I'm not sure what you're asking her.

24 BY MR. HEGARTY:

25 Q Did you understand my question?